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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 10/796,420 | 03/10/2004 | Leslie M. Landsberger | 14836-8US-2 AD/mb | 9038 |
| 20988 | 7590 | 01/26/2006 | EXAMINER | |
| OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA | | | | HOANG, TU BA |
| ART UNIT | | PAPER NUMBER | | |
| | | 2832 | | |
| DATE MAILED: 01/26/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/796,420 | LANDSBERGER ET AL. |
| | Examiner | Art Unit |
| | Tu Ba Hoang | 2832 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 26-49 and 54-59 is/are pending in the application.
- 4a) Of the above claim(s) 27-41, 43-49 and 54-59 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 26 and 42 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/10/04&3/14/05</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

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Drawings

The drawings were received on March 10, 2004. These drawings are approved.

Election/Restrictions

Applicant's election of specie represented by Figure 16 to which claims 26 and 42 are readable thereon in the reply filed on October 17, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The requirement is still deemed proper and is therefore made FINAL.

Claims 27-41, 43-49, and 54-59 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made and treated as **without** traverse as set forth above. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 26 and 42 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Spraggins et al (US 5,466,484) cited by the Applicants. Spraggins et al shows a circuit for trimming a functional resistor structure 10 comprising a plurality of functional resistors 32 thermally isolated on a support substrate 11 (i.e., thermally isolated by insulating layer 16 and dielectric layer 19), a pulsed heat source (i.e., providing current pulses 62) or trimming circuit in the form of a heating element 35 which has a power dissipation geometry (i.e., provide trimming pattern by heat generated by the current pulses flows to the heating element 35) "adapted" to obtain a substantially constant temperature distribution across the resistors 32 for trimming purposes, wherein at least the resistance value of the resistor 32 is trimmed (i.e., change) by providing current pulses (62) through the heating element (35). Heat generated by the current pulses flows to the resistor (32) and anneals or trims the resistor (32). A resistor trimming variable, e.g. a voltage across resistor contacts (30,

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31), is monitored and the current pulses are modulated in accordance with the value of the resistor trimming variable (63). The trimming step is terminated when the desired resistance value of the resistor (32) is attained.

Claims 26 and 42 are rejected under 35 U.S.C. 102(a and e) as being clearly anticipated by Iwasaki et al (US 2001/0001493). Iwasaki et al shows a circuit (Figure 6) for trimming a functional resistor structure comprising a plurality of functional resistors 16a,16b,16c,16d thermally isolated on a support substrate 10, a pulsed heat source or laser light source 20 for trimming the resistors, a trimming circuit or mask 22, wherein the source 20 has a power dissipation geometry (i.e., provide trimming pattern through openings 22a,22b,22c,22d) generated by the optical light pulse to the resistors and the trimming process is terminated when the desired resistance value or pattern of the resistors is attained.

Claim 42 is further rejected under 35 U.S.C. 102(b) as being clearly anticipated by Swinehart (US 5,363,084). Swinehart shows a circuit (Figure 1) for trimming a functional resistor 16 , the circuit comprises the resistor 16 on a substrate 12 subject to a heat source having a trimming circuitry in the form of electrical conductive fingers or electrodes 14a,14b having a power dissipation geometry (i.e., finger shaped dissipation) adapted to obtain a substantially constant temperature distribution across the resistor 16 when a temperature of the resistor 16 is raised for trimming purposes.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Davis et al (US 4,041,440), Natzle et al (US 5,081,439), Ariyoshi (US 5,557,252), Emili et al (US 6,667,683), and Ozawa (JP404145602).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Ba Hoang whose telephone number is (571) 272-4780. The examiner can normally be reached on Mon-Thu from 8:00AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tu Ba Hoang
Tu Ba Hoang
Primary Examiner
Art Unit 2832

January 19, 2006